



Accordingly, Plaintiff's motion for judgment on the pleadings is **DENIED**. [Court Doc. No. 12]. Defendant's motion for summary judgment is **GRANTED**. [Court Doc. No. 18]. Judgment is entered **AFFIRMING** the Commissioner's decision. This action is hereby **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action.

The Clerk of Court is **DIRECTED** to enter a final judgment in accordance with this memorandum and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 30<sup>th</sup> day of July, 2009.

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE